

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

**LUIS MARQUEZ-RUBIO and
LAURO MARQUEZ,**

Defendants.

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8:07CR392

ORDER

This matter is before the court on the motion to continue the trial date by defendant Luis Marquez-Rubio (Marquez-Rubio) (Filing No. 30). Marquez-Rubio seeks a continuance of the trial of this matter for sixty to ninety days. The court held a hearing on the motion on January 14, 2008. Marquez-Rubio was present with his counsel, Douglas L. Romero. Elin Jamison, a certified interpreter in the Spanish language, served as the interpreter by remote telephone hook-up. The government had no objection to the motion. Marquez-Rubio stated on the record he consents to the motion and acknowledged he understood the additional time would be excludable time for the purposes of the Speedy Trial Act. Upon consideration, the motion will be granted. Trial will be continued as to both defendants.

IT IS ORDERED:

1. Marquez-Rubio's motion to continue trial (Filing No. 30) is granted.
2. Trial of this matter as to both defendants is re-scheduled for **March 25, 2008**, before Judge Laurie Smith Camp and a jury. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **January 14, 2008 and March 25, 2008**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason that defendants' counsel require additional time to adequately prepare the case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

DATED this 14th day of January, 2008.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge